

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 20-17508 CMG
HESHAM M. ELDEIB, Judge: GRAVELLE

Debtor(s)

Chapter 13 Plan and Motions

☒ Original ☐ Modified/Notice Required Date: AUGUST 9, 2020
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: HR Initial Debtor: HE Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 225 per MONTH to the Chapter 13 Trustee, starting on SEPTEMBER OF 2020 for approximately 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 3,000 (Bal. Orig. Fee)
DOMESTIC SUPPORT OBLIGATION		
CHAPTER 7 TRUSTEE	ADMINISTRATIVE, PRIORITY	\$3,000
ADMINISTRATIVE EXPENSES, JOHN M. MCDONNELL, ESQ.		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

- i. Quicken Loans, continued payments on mortgage regarding real property located at 2084 Yorktowne Blvd., Toms River, New Jersey, no arrears. Continued payments by the Debtor directly to Quicken Loans.
- ii. Holiday City Association, continued payments, regarding association dues, no arrears. Continued payments by the Debtor directly to Holiday City.

g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal*, and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Counsel Fees and Supp. Counsel Fees (Fully Paid before other claims)
- 3) Secured Claims and then Priority Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: AUGUST 5, 2020

/S/ HESHAM M. ELDEIB
Debtor

Date: _____

Joint Debtor

Date: AUGUST 5, 2020

/S/ HERBERT B. RAYMOND, ESQ.
Attorney for Debtor(s)

United States Bankruptcy Court
District of New JerseyIn re:
Hesham M Eldeib
DebtorCase No. 20-17508-CMG
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 44

Date Rcvd: Aug 12, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 14, 2020.

db +Hesham M Eldeib, 2084 Yorktowne Blvd., Toms River, NJ 08753-1679
 518872267 +Ruggeri Realty, LLC, 1801 Boulevard, Seaside Park, NJ 08752-1210
 +American Express National Bank, AENB, c/o Zwicker and Associates, P.C.,
 Attorneys/Agents for Creditor, P.O. 9043, Andover, MA 01810-0943
 518865285 +American Express Travel Related Services, Attn: Bankruptcy, PO Box 981537,
 El Paso, TX 79998-1537
 518865286 +Bank of America, 4909 Savarese Circle, Fl1-908-01-50, Tampa, FL 33634-2413
 518906819 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 518865287 +Barclay Card Services, PO Box 13337, Philadelphia, PA 19101-3337
 518865288 +Barclays Bank Delaware, Attn: Bankruptcy, PO Box 8801, Wilmington, DE 19899-8801
 518921919 +Brian T. Crowley, McDonnell Crowley, LLC, 115 Maple Ave., Red Bank, NJ 07701-1752
 518865289 Business Card, PO Box 15796, Wilmington, DE 19886-5796
 518865293 Cardmember Services, PO Box 790408, Saint Louis, MO 63179-0408
 518865294 +Cnna, Attn: Centralized Bankruptcy, PO Box 790034, St Louis, MO 63179-0034
 518865298 +Citibank, Citicorp Credit Svcs/Centralized Bk dept, PO Box 790034,
 St Louis, MO 63179-0034
 518865301 +Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bk dept, PO Box 790034,
 St Louis, MO 63179-0034
 518865303 First Bankcard, PO Box 2557, Omaha, NE 68103-2557
 518865304 +First Mark Services, First Mark Services, PO Box 82522, Lincoln, NE 68501-2522
 518865305 +First National Bank of Omaha, Attn: Bankruptcy, PO Box 3128, Omaha, NE 68103-0128
 518865306 Firstmark Services, PO Box 2977, Omaha, NE 68103-2977
 518865307 +Holiday City Association, 2170 Yorktowne Blvd., Toms River, NJ 08753-1630
 518865308 +Hsbc Bank, Attn: Bankruptcy, PO Box 2013, Buffalo, NY 14240-2013
 518919045 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100,
 Boca Raton, FL 33487-2853
 518874743 +PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020
 (address filed with court: First National Bank of Omaha, 1620 Dodge St Stop Code 3129,
 Omaha Ne 68197)
 518865309 +PNC Bank, Attn: Bankruptcy, PO Box 94982: Mailstop Br-Yb58-01-5, Cleveland, OH 44101-4982
 518865313 Shop Your Way Mastercard, PO Box 78024, Phoenix, AZ 85062-8024
 518865316 +TD Bank, NA, PO Box 100290, Columbia, SC 29202-3290
 518865317 +U.S. Bancorp, Attn: Bankruptcy, 800 Nicollet Mall, Minneapolis, MN 55402-7014
 518889917 U.S. Bank NA dba Elan Financial Services, Bankruptcy Department, PO Box 108,
 Saint Louis MO 63166-0108
 518865320 +Wells Fargo Bank NA, Attn: Bankruptcy, 1 Home Campus Mac X2303-01a,
 Des Moines, IA 50328-0001
 518874994 Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F,
 Des Moines, IA 50306-0438
 518865321 +Zwicker & Associates, PC, 800 Federal Street, Andover, MA 01810-1067
 518865322 Zwicker & Associates, PC, 80 Minuteman Rd., Andover, MA 01810-1008

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usan.j.njbankr@usdoj.gov Aug 12 2020 23:56:24 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 12 2020 23:56:20 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
 518865283 E-mail/Text: bnc@alltran.com Aug 12 2020 23:55:55 Alltran Financial, LP,
5800 North Course Drive, Houston, TX 77072-1613
 518865284 E-mail/Text: bnc@alltran.com Aug 12 2020 23:55:56 Alltran Financial, LP, PO Box 722929,
Houston, TX 77272-2929
 518882540 E-mail/Text: Bankruptcy.RI@Citizensbank.com Aug 12 2020 23:55:41 Citizens Bank N.A.,
One Citizens Bank Way, JCA115, Johnston, Rhode Island 02919
 518865290 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 13 2020 00:04:00 Capital One,
Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 518865302 E-mail/Text: mrdiscen@discover.com Aug 12 2020 23:55:48 Discover Financial,
Attn: Bankruptcy Department, PO Box 15316, Wilmington, DE 19850
 518879198 E-mail/Text: mrdiscen@discover.com Aug 12 2020 23:55:48 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany OH 43054-3025
 518865295 E-mail/PDF: ais.chase.ebn@americaninfosource.com Aug 13 2020 00:04:36 Chase Card Services,
Attn: Bankruptcy, PO Box 15298, Wilmington, DE 19850
 518865312 +E-mail/Text: bankruptcyteam@quickenloans.com Aug 12 2020 23:56:34 Quicken Loans,
Attn: Bankruptcy, 1050 Woodward Avenue, Detroit, MI 48226-1906
 518866074 +E-mail/PDF: gecsed@recoverycorp.com Aug 13 2020 00:04:15 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 518865314 +E-mail/PDF: gecsed@recoverycorp.com Aug 13 2020 00:04:16 Synchrony Bank/Lowes,
Attn: Bankruptcy, PO Box 965060, Orlando, FL 32896-5060
 518865315 E-mail/Text: bankruptcy@td.com Aug 12 2020 23:56:25 TD Bank, N.A., 32 Chestnut Street,
PO Box 1377, Lewiston, ME 04243

TOTAL: 13

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 44

Date Rcvd: Aug 12, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518921920* +Brian T. Crowley, McDonnell Crowley, LLC, 115 Maple Ave., Red Bank, NJ 07701-1752
518865291* +Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
518865292* +Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
518865299* +Citibank, Citicorp Credit Svcs/Centralized Bk dept, PO Box 790034,
St Louis, MO 63179-0034
518865300* +Citibank, Citicorp Credit Svcs/Centralized Bk dept, PO Box 790034,
St Louis, MO 63179-0034
518865296* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,
MONROE LA 71203-4774
(address filed with court: Chase Card Services, Attn: Bankruptcy, PO Box 15298,
Wilmington, DE 19850)
518865297* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,
MONROE LA 71203-4774
(address filed with court: Chase Card Services, Attn: Bankruptcy, PO Box 15298,
Wilmington, DE 19850)
518865310* +PNC Bank, Attn: Bankruptcy, PO Box 94982: Mailstop Br-Yb58-01-5, Cleveland, OH 44101-4982
518865311* +PNC Bank, Attn: Bankruptcy, PO Box 94982: Mailstop Br-Yb58-01-5, Cleveland, OH 44101-4982
518865318* +U.S. Bancorp, Attn: Bankruptcy, 800 Nicollet Mall, Minneapolis, MN 55402-7014
518865319* +U.S. Bancorp, Attn: Bankruptcy, 800 Nicollet Mall, Minneapolis, MN 55402-7014
TOTALS: 0, * 11, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 14, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 12, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Brian Thomas Crowley on behalf of Trustee John Michael McDonnell bcrowley@mchfirm.com,
bcrowley@mcDonnellCrowley.com
Herbert B. Raymond on behalf of Debtor Hesham M Eldeib herbertraymond@gmail.com,
raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.raymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemail789@gmail.com
John Michael McDonnell on behalf of Trustee John Michael McDonnell jmcDonnell@mchfirm.com,
NJ95@ecfbis.com,bcrowley@mchfirm.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5